

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCESCO GALLO,

Plaintiff,

-against-

CASE NO.
07 CV 06418 (CM) (HP)

ALITALIA - LINEE AEREE ITALIANE -
SOCIETA PER AZIONI, PIERANDREA GALLI,
and GIULIO LIBUTTI

Defendants.

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1633 Broadway
47th Floor
New York, New York 10019-7513

January, 22, 2008
1:25 p.m.

DEPOSITION of GIULIO LIBUTTI, the Defendant
in the above-entitled action, taken on behalf of the
Plaintiff, held at the above time and place, and taken
before Rachael Hodgson, a reporter and Notary Public
within and for the State of New York.

1 G. LIBUTTI
 2 A. I don't know.
 3 Q. Do you know if McKinsie had a secretary at
 4 Alitalia?
 5 MR. KORAL: Objection.
 6 A. I don't know.
 7 Q. Do you know if Mr. Gallo received paychecks after
 8 September 15th of 2005?
 9 A. I don't know.
 10 Q. Do you know if Mr. Gallo ever submitted a bill
 11 for any consultancy services after September of 2005?
 12 A. Not to me.
 13 Q. Do you know if he did to anyone?
 14 A. I don't know.
 15 Q. Did you ever discuss it with him?
 16 A. No.
 17 MR. SMITH: Take a five minute break.
 18 MR. KORAL: Sure.
 19 (Whereupon, a short recess was taken from
 20 2:16 until 2:20 p.m.)
 21 Q. Did Alitalia ever introduce a pension plan for
 22 any of its employees?
 23 A. Pension plan?
 24 Q. Yes.
 25 A. When I was in the United States I knew there was

1 G. LIBUTTI
 2 a pension plan, yes.
 3 Q. What about an early retirement plan?
 4 A. Yeah.
 5 Q. How many early retirement plans are you aware of?
 6 A. If I remember, two.
 7 Q. And when was the first one?
 8 A. 2004.
 9 Q. And that was in New York?
 10 A. Yeah.
 11 Q. And how did you first become aware of this early
 12 retirement plan in 2004?
 13 A. Because we had a meeting with Mr. Galli, Mr.
 14 Gallo, myself, our financial controller and I was aware
 15 there was an early retirement plan.
 16 Q. Who called that meeting?
 17 A. Probably Mr. Galli.
 18 Q. Was the early retirement plan Mr. Galli's idea?
 19 A. No, it was Mr. Gallo's idea.
 20 Q. And did Mr. Gallo explain to you why?
 21 A. Because in order to reach the target of the head
 22 office gave to us in order to reduce the cost of the
 23 company and number of employees because it was too
 24 expensive for the company, facing a very strong crisis,
 25 financial crisis, the best way and the legal way because

1 G. LIBUTTI
 2 Mr. Gallo was the only person in charge of all legal
 3 aspect. He advised the company that the best way was an
 4 early retirement plan to not have any legal problem.
 5 Q. Now you said the head office told you to reduce
 6 the number of employees?
 7 A. Not to me.
 8 MR. KORAL: Objection.
 9 Q. Who did the head office tell that to?
 10 MR. KORAL: Objection.
 11 A. The office didn't say to reduce the number of
 12 employees. The office say that you should take care of
 13 the cost of the company and of, course, number employees
 14 means a lot of cost for the company. So one of the
 15 action, apart of other actions to reduce the cost has
 16 been taken. We transfer the company from 666 off of
 17 Fifth Avenue to Empire State Building to reduce the
 18 cost.
 19 Q. And whose idea was it to reduce the number of
 20 employees?
 21 MR. KORAL: Objection.
 22 A. It's one of the -- if you have to reduce the cost
 23 and one of the needs is to reduce the number of
 24 employees in terms of organization, to reorganize the
 25 company, to improve efficiency and productivity.

1 G. LIBUTTI
 2 Q. Whose idea what is it?
 3 MR. KORAL: Objection.
 4 A. Head office.
 5 Q. You said before that the head office gave the
 6 idea of reducing the cost?
 7 A. Yes.
 8 Q. Did they also give the idea of reducing the
 9 number of employees or was that your idea, Mr. Galli's
 10 idea, or Mr. Gallo's idea.
 11 A. No, it was not a direct order. They said if it's
 12 possible according to the law of each country because it
 13 was a world wide request, please check if there is any
 14 possibility to reduce the cost of reducing the number of
 15 employees.
 16 Q. And that was in 2004?
 17 A. 2004, yes.
 18 Q. And can you tell me what steps were taken within
 19 Alitalia to reduce the number of employees?
 20 MR. KORAL: Objection.
 21 A. In 2004 I was -- I mean, Mr. -- the question is
 22 which step has been taken?
 23 Q. Yes.
 24 A. Okay. I mean it has been taken, if I remember
 25 there was call center project. The call center was